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Guns, Democracy, and the Insurrectionist Idea

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CONCLUSION

Just a few years ago, the prospect that the Insurrectionist idea might win the respect or even the endorsement of the highest court in the United States seemed remote. When we began work on this book, we wanted to draw attention to the growing currency of Insurrectionist ideology in politics and popular conceptions of the role of guns in American society, but we did not expect it to be taken seriously as a theory of constitutional interpretation outside of a small circle of right-wing academics and propagandists. The decision in *District of Columbia v. Heller*, however, along with the D.C. Circuit opinion on which it built, demonstrates how successfully the Insurrectionist rationale for gun ownership has penetrated the mainstream of legal discourse. Briefs on both sides of the *Heller* case and newspaper opinion pieces cited the Insurrectionist fixation, only a decade earlier considered laughable. While the *Heller* majority did not wholeheartedly embrace the Insurrectionist idea as a governing principle, it certainly created plenty of room for future litigation aimed at elaborating a theory of gun rights grounded in a putative right to challenge the U.S. government with violence.

We cannot be certain whether Justice Antonin Scalia and other members of the *Heller* majority understood fully the implications of lodging a Second Amendment freedom to bear arms within a natural, individual “right” to fight government tyranny. We hope that our read-

ers see the audacity of that claim and the danger to our democratic values and institutions if our fellow citizens accept it. If elite and popular opinion are prepared to acquiesce in the idea that self-proclaimed freedom fighters have the right to stockpile arms in preparation for a showdown with the government, to organize violent resistance to any government they decide is tyrannical, to order an armed march on the Capitol, or to give the “Fire” command, then the consensus concerning the limits of the legitimate means of political dissent on which our system depends is in doubt. As James Madison made clear to Patrick Henry and George Mason during the Virginia ratifying debates, a government powerless to uphold the rule of law is a “new species of government.”¹ That is as true now as it was then. States that cannot enforce democratically enacted laws are not states. They are certainly not democracies.

We have made three claims in this book. First, a well-organized and energetic political force has been set into motion in service of the Insurrectionary fantasy that unfettered access to firearms is the touchstone of American freedom. Some of the leaders of this faction, including Wayne LaPierre, cynically wave the Insurrectionist banner to stoke their organizational engines and lend support to favored politicians. Most of the characters we have labeled as Insurrectionists, though, truly believe that guns are “the tools of political dissent.”² Taken together, the individuals and groups working to popularize the Insurrectionist idea are a potent political and social force that cannot be ignored.

Second, the revisionist history that Insurrectionists have employed in support of their views relies on counterfactual assertions and untenable leaps of logic. The historical record of the events they routinely cite—the founding of our republic, the aftermath of the U.S. Civil War, and the Nazi takeover and destruction of Germany—fail to demonstrate that laws regulating the private ownership of firearms are inherently evil or even dangerous. Instead, these events, when properly understood, illustrate why freedom is best protected by strong and effective states that are committed to the protection of individual rights and democratic methods for making decisions.

Third, by attempting to harness the constitution in general and the Second Amendment in particular to their ideological preference for

weak government, the Insurrectionists undermine support for precisely the institutions and values that provide the most effective safeguards for freedom, including the right of individuals to seek redress in the courts and the duty of law enforcement to protect public safety. Moreover, the sentiments expressed by Insurrectionist ideologues are fundamentally hostile to pluralism and tolerance, values that play an essential role in reconciling the demands of competing perspectives without violence in a diverse democracy such as the United States.

These three claims combine to make what we hope is a persuasive case that Insurrectionists' ideas and actions weaken the core of what makes this nation great. If we believed that the highest gun-death rate of any mature democracy were really the price of freedom, as some Insurrectionists have suggested, we have no doubt that the price would be worth paying. The problem is that the Insurrectionist idea has left us with the worst of both worlds—a society where firearm violence is all too prevalent even as democratic safeguards are under attack.

The debate about gun control in this country is not simply a question of public health statistics. It is essentially about how we choose to see ourselves as citizens. Are we like Timothy McVeigh, who saw gun ownership as part and parcel of antigovernment ideology? Or do we decouple gun ownership from the demands of democracy? Freedom is threatened by efforts to recruit armed citizens to counterbalance democratic government. The work of politics—knocking on doors, attending debates, showing up to vote, and teaching our children the importance of critical thinking and participation in civic life—lacks the glandular appeal of bellicose talk about voting from the rooftops with a sniper rifle. The tasks involved in meaningful engagement with the democratic process sometimes seem mundane, but they are the essence of full participation in our system of government. By hijacking the rhetoric of our democratic legacy, by endlessly circulating such slogans as “Vote Freedom First,” and by referring to the Second Amendment as “America’s First Freedom,” the Insurrectionists have achieved a head start in this debate. It is past time to turn the tables.

The Insurrectionist idea should be vigorously challenged by citizens in the court of public opinion and now, after *Heller*, in courts of law as well. Here is what we believe needs to be done.

1. *Share a critical vision*

By inculcating in gun owners a paranoid and obsessively antigovernment ideology, the Insurrectionists have romanticized and legitimized hostility toward lawful government authority and instruments of cooperation (e.g., international treaties and environmental regulation) and pluralism (e.g., by deriding peaceful efforts toward racial and ethnic integration). In promoting the absurd, untenable conceit that no person can or should rely on anyone else, the Insurrectionist worldview shapes corrosive attitudes about government, mutual obligation, and community.

Gun control advocates—and political progressives more generally—have failed to appreciate the danger posed by this ideological perspective and the grassroots network supporting it. Without an organized and sustained effort to show how the NRA and other gun groups have become instruments of a broader reactionary movement, these forces will continue manipulating gun owners into joining a coalition of libertarians, right-wing populists, and religious “conservatives” who want to undermine support for public education, progressive taxation, civil rights, and regulation of business.

Left unchecked, Insurrectionism would threaten the shared values and institutions that comprise our democratic system by undercutting support for a strong and effective government capable of protecting individual rights (including equal protection of the laws and the freedom to walk the streets in safety as well as private property rights and freedom of speech). The animating spirit of Insurrectionism seeks to enlist well-meaning Americans who have failed to think critically about the obligations of democratic citizenship in a coalition bent on overthrowing the moderate, gradualist, conservative, and liberal traditions.

2. *Occupy the common ground*

The animating spirit behind this book, on the other hand, contains a vastly different strategic vision, elucidated as follows: Most gun owners are not Insurrectionists, although a steady diet of Insurrectionist propaganda has led many gun owners to believe that organizations such as

the NRA represent their interests. In fact, most gun owners keep guns for self-protection or recreation, not to prepare for violent confrontation with the government. This fact suggests an opportunity to isolate the Insurrectionists. Self-defenders and sporting gun owners are in league with the Insurrectionists because they believe that their interests are best served by working together. Progressives must demonstrate respect for the values of recreational gun owners and self-defenders. In fact, ideological moderation is more consistent with the values that gun owners see as most important—patriotism, community, and respect for their way of life—and that deserve no one's hostility.

Progressives and moderates should start by getting behind ideas that serve goals shared with gun owners. For example, environmentalists should lobby actively and openly for protection of hunting habitat and point out how gun rights groups such as the NRA have pushed for logging and road building in our national forests, activities that have a devastating impact on hunters. For years, gun control advocates have maintained that they have no problem with the use of firearms for hunting or other shooting sports, and we need to back up these claims by sticking up for hunting as a wholesome, legitimate recreational activity.

Common ground with gun owners who see firearms as vital to their ability to defend themselves against criminals is important as well. Most people buy guns because they believe they will be safer with a firearm. These people are not the enemy, and they are not advocating a war on the government—they are simply trying to gain a measure of security and control over their lives. As parents, the authors would never bring guns into our homes. We have made this decision based on a considerable volume of research on crime and public health pointing to the conclusion that the risks of keeping a gun in the home far outweigh the benefits. We do not, however, vilify those who have come to a different conclusion. The best way to reduce the number of law-abiding members of our communities who choose to arm themselves as a hedge against violent crime is to make our communities safe. Cities across the country are employing some thoughtful crime-prevention strategies. Progressives need to make a commitment to support these efforts and help them succeed.

3. *Illuminate the relationship among guns, patriotism, and civic health*

Gun control advocates generally rely heavily on public health arguments based on contested factual claims and statistical analyses. Even the best data, however, cannot account for the role of values in the debate over firearms. Most gun control advocates simply do not believe that values have anything to do with gun policy. To put it another way, gun control advocates assume that if they win the argument about the public health consequences of gun violence, they will win the broader debate about how to regulate firearms. This line of thinking fails to account for our opponents' claims about the importance of guns to our cultural and political values. Gun control advocates have spent the past three decades trying to persuade the public that guns are dangerous, while gun rights groups have been arguing that guns are essential to our freedom. Throughout this book, the authors have maintained that the power and durability of democracy and freedom depend essentially upon public accountability and personal responsibility, not upon citizens' access to guns. We have insisted that no patriot worthy of the name will neglect the civic health of our society. The debate over guns in America should be framed not in terms of public health and as a problem of inner cities but as an essential part of America's civic health and the challenges we all face as citizens. The main questions must be, What are the demands of citizenship? Do we believe political equality and pluralism are integral to our system of government, or do we want to encourage the belief that dissenters are entitled to "vote from the rooftops" when they lose an election? Do we want to live in a society where Americans can walk safely down the street without concealed firearms, or do we accept the claim that anyone who fails to arm themselves has failed to take responsibility for their personal safety?

By framing this conflict in terms of how we see ourselves as citizens, we shift the basis of our argument from statistics to values. Insurrectionists have been driving the discussion about guns in America. They cling to a vision of the relationship between individuals and the state that borders on anarchism, and they shrug off the values of equality, tol-

erance, and the rule of law. Calling them to account for their recklessness and exposing their dreadfully impoverished conception of American democracy and civic participation are the duties of true patriots. We hope that this book will inspire Americans to confront in their communities the conundrums and contradictions, the ideological rigidity and shallow perspectives, of the Insurrectionist idea.

